

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER
03-CR-211 (1) S

FRANK E. PETERS,

Defendant.

Presently before this Court is JP Morgan Chase's ("Chase") Motion to Amend (Docket No. 532) this Court's Order (Docket No. 531), in which this Court directed the U.S. Marshals Service to release \$18,888.25 of the funds on deposit in this case to Marta Chaikovska. This Court issued the Order pursuant to an agreement between the government, Defendant Peters, and Chaikovska, to reimburse Chaikovska for fees she paid to maintain 513 Mesquite Hills, Lot 26, Palm Desert, CA, a property that has been forfeited to the United States as a result of Defendant Peters's criminal convictions.

Chase now seeks payment of the \$18,888.25 directly to itself rather than to Chaikovska, in partial satisfaction of the \$22,584,013.34 judgment it holds against Chaikovska. Beyond Defendant Peters's withdrawal of his consent to have these funds released to Chaikovska (Docket No. 553), there is no substantive opposition to Chase's motion and no challenge to the validity of Chase's judgment or its right to enforce it in this proceeding. Moreover, because the funds at issue have been forfeited to the United States, Peters's consent is not necessary for distribution.

Accordingly, Chase's motion will be granted.

IT HEREBY IS ORDERED, that Chase's Motion to Amend (Docket No. 532) this Court's Order (Docket No. 531) is GRANTED.

FURTHER, that this Court's Order (Docket No. 531) is AMENDED to direct payment of the \$18,888.25 to Chase, not Chaikovska.

FURTHER, that the stay (Docket No. 533) of this Court's Order (Docket No. 531) is VACATED.

FURTHER, that the U.S. Marshals Service is directed to deliver forthwith to Chase, either by check or electronic means, the sum of \$18,888.25, using funds already on deposit with the United States Marshals Service in this case, in partial satisfaction of Chase's judgment. The Marshals Service shall arrange payment through Susan C. Roney, Esq., counsel for Chase.

SO ORDERED.

Dated: May 13, 2011
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court